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EXAMINER	
NGUYEN, STEVEN H D	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/086,262	CHANG ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-40,45-55,69,70 and 135-153* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-36,38-40,45-55,69,70 and 135-153* is/are rejected.

7)☒ Claim(s) *37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 32-55, 69-70 and 135-153 been renumbered 1-41.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 32, 36, 38 and 49-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Regarding claims 32, 36, 38 and 49-51, the word "means" is preceded by the word(s) "for" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 32-35, 38-40, 45-55, 70, 135-151 and 153 rejected under 35 U.S.C. 103(a) as being unpatentable over Maroulis (USP 6584094) in view of Rogers (USP 5946386).

Regarding claims 32-35, 135-140, 142-146, 148-151 and 153, Maroulis discloses a communication system comprising a public switched telephone (PST) network (Fig 1, Ref 113); an Internet protocol (IP) network (Fig 1, Ref 109); a plurality of private branch exchanges (PBXs) at a plurality of locations (Fig 1, Ref 103 and 105), the PBXs coupled to the PST network for routing telephone calls over the PST network (Fig 2C, Ref 223); a plurality of telephones (Fig 1, Ref 101) coupled to the plurality of PBXs; a plurality of voice gateways (Fig 1, Ref 109 and 111). However, Maroulis fails to each voice gateway coupled to one of the plurality of PBXs through a call status-call control link and coupled to the IP network for routing

telephone calls over the IP network; and feature networking means for providing voice communication features among the plurality of locations over the IP network. In the same field of endeavor, Rogers discloses a voice gateway (Fig 1, Ref 101) couple to PBX (Fig 1, Ref 104) via a call status-call control link (Fig 2, Ref 219) and the IP network (Fig 1, Ref 100) for routing telephone calls over the IP network between telephone devices (Col. 7, lines 25-65, Col. 10, lines 14-30, Col. 15, lines 53 to col. 16, lines 21, col. 38, lines 55-67); feature networking means for providing voice communication features among the locations over the IP network such redirect an inbound call to a telephone in alternate office within a company or another company (Col. 38, lines 55-77).

Since, a method and system for using signaling protocol such as ANI, CTI for monitoring and controlling the telephone device that coupling to the PBX is well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply a call status and control link between the devices of the gateway and PBX in order to provides a call feature as disclosed Rogers into Maroulis' system. The motivation would have been to reduce the long distance cost and enable Internet telephony to evolve into a viable communication tool for the businesses.

Regarding claim 38, Rogers discloses the feature networking means comprises do not disturb means for a user to select that only calls from a set of callers, the set preselected by the user, will ring the user's desktop telephone and all other calls will be forwarded to a forwarding target, the forwarding target preselected by the user (Fig 7abc for setting the features of incoming call treatment).

Regarding claim 39, Rogers discloses the forwarding target comprises one of voice mail, and an answering station (Fig 7b).

Regarding claim 40, Rogers discloses call log means for displaying on a desktop workstation a log of outgoing calls from a telephone coupled to the PBX and incoming calls to the telephone (Fig 9ab).

Regarding claim 45, Rogers discloses the feature networking means provides PBX features among the sites over the IP network regardless of the PBX model used (Fig 1).

Regarding claim 46, Rogers discloses the feature networking means provides PBX features among the plurality of sites over the IP network regardless of the desktop telephone set used (Fig 1).

Regarding claim 47, Rogers discloses coupled to a plurality of voice gateways, a respective plurality of desktop workstations (Fig 1, Ref 115).

Regarding claim 48, Rogers discloses the feature networking means comprises caller ID display means to display name of a calling party at a called party's desktop workstation at the same time as the called party's telephone rings (Fig 1, 6).

Regarding claim 49, Rogers discloses the answering station means comprises call alert means to display a message from a calling party on the desktop workstation of a called party if the called party's telephone is busy (Fig 6c).

Regarding claim 50, Rogers discloses the feature networking means comprises answering station display means to display a message from an answering station on a called party's workstation when the called party's telephone is busy or forwarded to voice mail and the call is forwarded to the answering station.

Regarding claim 51, Rogers discloses the feature networking means comprises virtual desktop means comprising at least one of means for a user to redirect an inbound call to a telephone in an alternate office other than the user's office (Fig 7abc forward to);

Regarding claim 52, Rogers discloses the means for a user to redirect an inbound call comprises means to direct the inbound call to an alternate office telephone at another location (Fig 7abc forward to).

Regarding claim 53, Rogers discloses the feature networking means provides PBX features among the plurality of sites over the IP network regardless of the desktop workstation model used (Col. 38, lines 55-77).

Regarding claim 54, Rogers discloses the feature networking means provides PBX features among the plurality of sites over the IP network regardless of the PBX model used, the desktop telephone model used, and the desktop workstation model used (Fig 1).

Regarding claim 52, Rogers discloses at least one of two different PBX models, two different desktop telephone models, and two different desktop workstation models (Fig 1).

Regarding claim 70, Rogers discloses the feature networking means comprises a plurality of trunks, each of the trunks coupling one of the plurality of voice gateways to one of the plurality of PBXs, and wherein the plurality of trunks comprise at least one trunk selected from a group consisting of a T1 trunk, an E1 trunk, and an analog CO trunk (Figs 1-2 and Col. 7, lines 25-47).

Regarding claims 141 and 147, Rogers discloses the voice gateway is configured to access the directory to provide voice communication features to the users of the plurality of telephones (Fig 2, Ref 215).

8. Claims 36, 69 and 153 rejected under 35 U.S.C. 103(a) as being unpatentable over Maroulis and Rogers as applied to claims 32, 135 and 149 above, and further in view of Ellitot (USP 5987102).

Regarding claim 36, Maroulis and Rogers fail to disclose the feature networking means comprises callback on busy means to automatically setup a call between a calling party and a called party after the calling party attempts to call the called party while the called party's telephone is busy, the call being setup when the called party hangs up. However, the examiner takes an official notice that an automatic callback function for setting up a call between the parties when the calling party receiving a busy signal and performing the call after the called party hang-up is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention wade made to implement callback feature into the system of Maroulis and Rogers. The motivation would have been to prevent call block by not tied-up the channel during the existence of a called station busy condition.

Regarding claim 69, Maroulis and Rogers fail to disclose the plurality of call status-call control links comprise at least one call status-call control link selected from a group consisting of a CTI link, a PRI interface, a QSIG interface, and an analog driver. In the same field of endeavor, Elliot disclose a gateway comprising CTI interface for using to couple to a PBX in order to perform the function such call status and call control for PBX (Fig 5, Ref 629).

Since, a method and system for monitoring and controlling the calls between PBX and gateway via ANI, CTI etc is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a CTI link between the

PBX and gateway as disclosed by Elliot into the teaching of Maroulis and Rogers. The motivation would have been to reduce the long distance cost and enable Internet telephony to evolve into a viable communication tool for the businesses.

Regarding claim 153, Maroulis and Rogers fail to disclose the IP telephone comprises an H.323 compliant telephone. In the same field of endeavor, Elliott discloses H.323 compliant telephone (See col. 10, lines 43-55).

Since, H.323 protocol is well known and expected in the art for using to convey the voice/audio signal in the packet network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply H.323 protocol into the telephone device as disclosed by Elliot into the telephone device of Maroulis and Rogers. The motivation would have been to provide a quality service for voice communication via IP network.

Allowable Subject Matter

9. Claim 37 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (571) 272-3159. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven HD Nguyen
Primary Examiner
Art Unit 2665
February 1, 2006